



Answers to Some Common Questions

The 2005 Legislature significantly strengthened Montana's tobacco-free school law by passing House Bill (HB) 643. Below is a list of common questions with answers to help your school and community comply with the law changes, which go into effect October 1, 2005.

- Q.** Montana state law already prohibited the use of tobacco products in public school buildings and on school property. How does HB 643 change our existing tobacco-free school law?
- A.** HB 643 significantly strengthens the law by eliminating exemptions that the original law allowed. Under the old law, students could be inadvertently exposed to secondhand tobacco smoke. Additionally, adult smoking and chewing on school grounds was commonly accepted in many districts. Under the revised law:

Use of tobacco products in school buildings and on school property 24 hours a day, all year round, not just during school hours. This prohibition now applies to everyone, adults and children alike.

School administrators and school boards can no longer designate smoking areas for non-student adults. This means, for example, that special rooms or outdoor areas cannot be set aside as places where faculty or staff may smoke. Nor can fans be allowed to smoke or chew tobacco in the school parking lot or at the football field. Smokers can no longer cluster outside the gym door and smoke during half time.

- Q.** Our school already has a smoke-free policy for students and teachers that we rigorously enforce. Additionally, all of our buildings are smoke free during school hours and at all events involving students. Why isn't that enough?
- A.** Currently, tobacco use policies vary widely among Montana's many school districts. The new law ensures consistency among schools. This consistency will send a clear message to kids and adults everywhere that tobacco use of any kind, not just smoking, is a hazardous, unhealthy behavior that is inappropriate at any facility intended to foster the growth and education of Montana's most precious resource - our children. This strong statewide law will help make all tobacco use less socially and culturally acceptable, which ultimately will lead to less smoking and chewing by youth now and in the future.
- Q.** The law prohibits the use of any tobacco product on school property. Is it illegal for an adult to have a can of chew or a pack of cigarettes in his pocket at a basketball game?
- A.** Possession of tobacco products by non-student adults is not specifically prohibited by the state law. So that the tobacco is not used while on school property, it will be important to have several prominent and varied reminders at all school events. For example, in addition to signage, announce the policy over the loudspeaker several times, and hang banners and posters created by students showing their pride about having a tobacco-free school. Some school districts may choose to adopt local policies that prohibit non-student adult possession of tobacco while on school property.
- Q.** How should we go about letting our community know that our school will be tobacco free and just what that means?
- A.** Post signs that clearly communicate the tobacco-free policy throughout the school campus and on all school property. The Montana Tobacco Use Prevention Program can help you with signage. Contact them at 406-444-9617.



Always present the policy in a positive light as something important and constructive for protecting the health and safety of our kids. Remember, a large majority of Montanans, including your community members, strongly support tobacco-free schools.

Have an enforcement plan and procedures clearly thought out and in place. These procedures should emphasize support over punishment and be applied consistently to everyone.

Before the policy goes into effect, plan how you will communicate it to students, parents and the community. (See the companion document Strategies For Becoming A Tobacco-Free School.)

- Q.** Our janitor has been with our school over 20 years. You'd hardly know it, but he chews tobacco. He never spits anywhere, and is very discreet about when he takes a chew. Is there really a problem with letting him continue?
- A.** Yes, it would be a big problem to let him, or any adult, continue using tobacco on school property. The idea that tobacco use is a socially acceptable behavior is easily conveyed to children who witness adults using it without consequence. It would make a mockery of the law, and would send a very mixed message to students and the public about your school administration's seriousness regarding policy implementation. Insist that the janitor quit using tobacco while on school property. Provide him with cessation services and/or encourage him to get help quitting his tobacco addiction by calling the Montana Tobacco Quit Line 1-866-485-7848.
- Q.** Some of our school board members smoke. During monthly meetings held at the school, they are very good about stepping outside before they light up. Now they will have to walk a long ways to get off school property. We have a hard time getting people to run for the school board. How do we enforce this law without offending them?
- A.** Like other members of the community, school board members need to be educated about the policy. They need to understand that it is a state law, not just a local recommendation, that all school property be tobacco free, 24 hours a day, every day, without exception. They need to know why the legislation is important for the health and safety of Montana's kids. School board members are high profile citizens and role models; therefore, they need to know their community depends on them to lead by example and comply with the law. They could also be encouraged to get help quitting their tobacco addiction by calling the Montana Tobacco Quit Line at 1-866-485-7848.
- Q.** Our track and football field is four blocks from the school and it isn't fenced. Besides being used for school athletic events, adults and kids alike play, jog, ride their bikes, and walk their dogs there day and night. Does the tobacco-free law apply here? How could it be enforced under these open circumstances?
- A.** Yes, the tobacco-free law does apply to the football field, 24 hours a day, every day of the year. Good signage will be the first step for obtaining compliance. Consider involving local community groups, tobacco use prevention coalitions, youth groups, and the local police with monitoring the field. Be consistent with enforcement. If compliance becomes an issue, consider installing a perimeter fence to restrict access.
- Q.** The annual summer pow wow is held on our football field. How does the tobacco-free law apply to ceremonial tobacco use by American Indians?
- A.** Tobacco may be allowed if it is used as part of an American Indian cultural activity allowed by the American Indian Religious Freedom Act. This Act protects and preserves the rights of American Indians to express and



exercise their traditional religions including the use and possession of sacred objects (like tobacco), and the freedom to worship through traditional ceremonies. The pow wow organizers need to communicate clearly to attendees that no other tobacco use will be allowed on the school property during the pow wow, and they need to be prepared to enforce the policy.

- Q.** Our school alumni often hold large reunion events at the school during the summer. It is unlikely anyone would smoke inside the buildings, but how could we prevent attendees from smoking or chewing on the school grounds?
- A.** Any individual or group that uses a school building or any school property after hours or during the summer months must comply with all provisions of the tobacco-free school law. To prevent compliance problems, include the tobacco-free requirement within any contract or agreement the school makes for use of the facility. Require that the group satisfactorily describe in writing how they will monitor compliance with the law, and who will enforce it. Refuse to let them use the school if they can't assure compliance.
- Q.** We will have a new principal/superintendent next fall. What if she is uncomfortable enforcing the tobacco-free law?
- A.** Don't leave her alone with this responsibility. Many communities have local tobacco use prevention coalitions or other health groups that will be glad to provide support and encouragement for the tobacco-free policy. Involve these groups, as well as parents and students, with pro-active projects supporting the policy, and the principal's enforcement actions. Help her write clear specific procedures for enforcing the policy and identify assistants who can help implement them.
- Q.** On May 13, 2005, the Montana Board of Public Education issued a position statement encouraging school districts to adopt and implement a comprehensive tobacco-free school policy. How is a comprehensive tobacco-free policy different from what is required HB 643?
- A.** Montana's tobacco-free school law, newly strengthened by HB 643, is just one of the essential elements of a comprehensive tobacco-free school policy. Other essential elements include:
- A ban of all tobacco products on the entire school campus.
 - A clear no-use and no-possession statement at all times for all students
 - A clear no-use statement at all times for all staff and other individuals visiting or using the school or any of its property.
 - A ban on tobacco advertising on school property, at school functions, or in school publications.
 - Enforcement provisions for violations of the policy, and
 - Support for classroom-based instruction on tobacco use prevention, including training for teachers whose instructional duties would include tobacco use prevention content.

Sample policies are available from the Office of Public Instruction and the Montana School Boards Association.